

REMARKS

In a Final Office Action dated 1 January 2006, the Examiner acknowledged withdrawal of Claims 9, 11, and 24-26 in response to a Restriction Requirement, objected to the drawings under 37 CFR 1.83(a), and rejected the remaining pending claims, Claims 1-8, 10, 12, and 13 under 35 U.S.C. §103 and §112.

In response to the Final Office Action dated 1 January 2006, Applicant hereby amends Claims 1-8, 11, and 13, and traverses.

CLAIM REJECTIONS

Claims 1-5, 7 and 8 were rejected under §103 as being unpatentable over Hales, Sr. The Office Action states that Hales, Sr. teaches “a retaining pin (21) passing through the first tubular member, used to prevent transverse rotation of the tubular member.” As claimed in Applicant’s amended Claim 1, the “orienting pin pass[es] through the shaft intersecting the shaft axis perpendicular thereto and configured to bear against the interior wall [of the first member] in a manner to prevent rotation of the shaft within the void.”

Applicant’s claimed pin bears against the interior wall of the first member, while Hales, Sr.’s pin passes through the first member. Additionally, Applicant’s pin passes through the shaft, while Hales, Sr.’s pin does not pass through the shaft.

Applicant’s claimed device also does not include a retaining pin passing through the first tubular member, used to prevent transverse rotation of the tubular member.

The Office Action additionally states that Hales, Sr. teaches “a biasing member (61) arranged in opposed relation to the nut relative to the second tubular member and a support member (34) in opposed relation to the biasing member relative to the nut.” The asserted biasing members 61 of Hales, Sr. are coil springs retained by the front legs (24, 25) of the device of Hales, Sr., and thus are not “arranged in opposed relation to the nut relative to the second member” as claimed by Applicant in Claim 2.

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BLACK LOWE & GRAHAM P.L.C.



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

The coil springs function to allow the legs to pivot between detents (62, 63) much in the manner of a bicycle kickstand (col.4, lns. 25-34). As such, the biasing member of Hales, Sr. cannot be characterized as being arranged in opposed relation to the nut relative to the second member, and configured to urge the nut into bearing arrangement against the upper end of the second member. Applicant's biasing member (tensioning spring 174), in contrast, biases the threaded shaft 138 downwardly, pulling on the support member (adjusting wing nut 140) (p. 2, para. 23), thereby creating an opposed relationship. For these reasons, Applicant respectfully traverses this rejection.

Claims 6 and 10 were rejected under §103 as being unpatentable over Hales, Sr. in view of Laube et al. As stated above, Hales, Sr. fails to render Applicant's claimed invention unpatentable, and Laube does not cure the defects of Hales, Sr. Thus, Hales, Sr. in view of Laube et al. does not render Claims 6 and 10 unpatentable, and Applicant respectfully traverses this rejection.

Similarly, Claims 12 and 13 were rejected under §103 as being unpatentable over Hales, Sr. in view of Collins, Jr. et al. Again, Hales, Sr. fails to render Applicant's claimed invention unpatentable, and Collins, Jr. et al. does not cure the defects of Hales, Sr. Thus, Applicant respectfully traverses this rejection.

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701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

CONCLUSION

Having suitably addressed all of the Examiner's rejections, the claims now stand in a condition for allowance. The Applicant requests that the Examiner address any questions to his attorney, the undersigned.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



James A. Born
Registration No. 46564
Direct Dial: 206.957.2493

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via First Class Mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5/13/04

Date of Deposit



Michelle J. Garman

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BLACK LOWE & GRAHAM^{PLLC}



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301